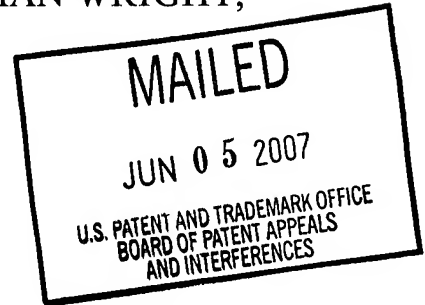


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOSHUA POKEMPNER, JONATHAN WRIGHT,
and KELLIE HERBERT

Application 10/733,828
Technology Center 3700



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 26, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

Evidence Relied Upon

The Examiner has failed to list all prior art relied upon in the rejections currently on appeal under the heading “**(8) Evidence Relied Upon**” in the Examiner’s Answer mailed December 18, 2006. Bauman (5,667,064) (Answer, pp. 2 and 8) is not listed among the reference evidence as required by *the Manual of Patent Examining Procedure (MPEP)* § 1207.02(A)(8).

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Status Of Amendments

Further review of the Examiner's Answer reveals that the Examiner has failed to provide a statement whether he agrees or disagrees with the status of amendments contained in the Appeal Brief (filed August 9, 2006). *See MPEP* § 1207.02(A)(4). Correction is required.

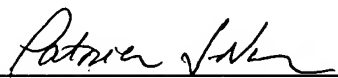
CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to issue and mail a PTOL-90 that *fully complies* with *MPEP* §1207.02(A)(4) and § 1207.02(A)(8);
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN/hh

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